

224.01-514 Voluntary Environmental Remediation Program -- Application for entry.

- (1) A Voluntary Environmental Remediation Program is established and shall be administered by the cabinet in accordance with KRS 224.01-510 to 224.01-532.
- (2) Any person may apply to enter a property in the program, unless:
 - (a) The property is part of or contains a site which is on the National Priorities List established by the United States Environmental Protection Agency;
 - (b) The property is part of or contains a hazardous waste treatment, storage, or disposal facility for which a permit has been issued, or the site is otherwise the subject of hazardous waste closure or corrective action pursuant to KRS 224.46-520 or KRS 224.46-530;
 - (c) The property or site is the subject of state or federal environmental enforcement action relating to the release, for which the application is submitted; or
 - (d) The property or site presents an environmental emergency, as defined in KRS 224.01-400.
- (3) To apply to enter the voluntary environmental remediation program, an applicant shall:
 - (a) Respond accurately and completely to all questions on an application provided by the cabinet;
 - (b) Identify any hazardous substance and any petroleum released or believed to be released to the environment at the site and provide a characterization plan for the releases or threatened releases adequate to comply with KRS 224.01-400, 224.01-405, 224.01-510 to 224.01-532, and any administrative regulations promulgated pursuant thereto;
 - (c) Submit a nonrefundable application fee. The fee shall be one thousand dollars (\$1,000) for properties up to three (3) acres in size. The fee for properties greater than three (3) acres but less than ten (10) acres shall be two thousand five hundred dollars (\$2,500). The fee for properties of ten (10) acres or larger shall be three thousand five hundred dollars (\$3,500). However, a political subdivision of the state, and its agencies and instrumentalities, shall be exempt from paying the fee for properties that are publicly owned; and
 - (d) Publish the notice of application in the newspaper of largest circulation in the county in which the site is located.
- (4) Fees and costs collected under KRS 224.01-510 to 224.01-532 shall be deposited in the hazardous waste management fund set out in KRS 224.46-580(13). The cabinet shall use the fees and costs to administer the voluntary environmental remediation program.
- (5) The cabinet shall, if requested, meet with the applicant either before or after submittal of an application to discuss the sufficiency of the application.
- (6) The cabinet shall notify the Department for Public Health when the cabinet receives an application with information pertaining to an actual or threatened release of a

hazardous substance over which the Department for Public Health has regulatory authority.

- (7) When an application for entry into the voluntary environmental remediation program is filed, the applicant shall notify the chief executive of local governmental units in which the property or site that is the subject of the application is located and shall provide the chief executives with a copy of the application. Copies of the following documents shall be transmitted by the applicant, as they become available, to the local public library:
- (a) Agreed order;
 - (b) Characterization plan;
 - (c) Characterization report;
 - (d) Corrective action plan;
 - (e) Corrective action completion report;
 - (f) Any notices of deficiency and any responses thereto; and
 - (g) Covenant not to sue.

Effective: June 21, 2001

History: Created 2001 Ky. Acts ch. 128, sec. 3, effective June 21, 2001.